



# Lamoine Board of Selectmen

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## Minutes of February 17, 2011

Chair Jo Cooper called the meeting to order at 7:01 PM

Present were: Selectmen Gary McFarland, Richard Fennelly Jr., S. Josephine Cooper, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Deputy CEO/Road Commissioner/Assessor Michael Jordan and snow plowing contractor Richard McMullen

**Agenda Review** – The Board agreed to move the snow plowing item closer to the top of the agenda.

**Minutes of February 3, 2011** – Two minor spelling error corrections were offered, including changing “Spring Brook” to “Springy Brook”. Jo moved to approve the minutes as corrected. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Expenditure Warrant 16** – Selectmen signed warrant 16 in the amount of \$204,160.44. Stu noted no transfer from investment management was required as the 2<sup>nd</sup> half of property taxes are coming in nicely.

**Cash & Budget Report** – Cynthia noted that it was interesting to see the percentage of expenditure compared to the percentage of the year passed.

**Investment Management** – Stu reported that The First Advisors is requesting that a set of resolves be signed for their files in regard to the investment service provided. Jo moved to approve the resolution as written by the bank. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Snow Plowing** – Jo said this has been a difficult year to begin as the town’s plow contractor. Richard McMullen said there has been a lot of snow. Jo said the Selectmen wanted to touch base in regard to some complaints that were received. She said the complaints are pretty much par for the course, and while there have been some individual areas that need attention, there have been no big issues.

Selectman Richard Fennelly asked about the warrant indications on salt purchase. Stu said the payment to Mr. McMullen is the contract price with the purchases of salt and sand made through the town deducted from the contract price. He said the town pays the vendors directly for the salt and sand purchases, and that the contract calls for the contractor to supply the salt and sand. Selectman Fennelly asked if Mr. McMullen was using more salt and sand this winter. Mr. McMullen said he started using a salt/sand mixture at first, but since the first of the year, he’s been using straight salt. He said using only salt saves him a lot of time, and the roads clean up quicker. Selectman Fennelly said the sand gives more traction at times. He asked if more salt is put down when using straight salt. Mr. McMullen said that about the same amount of salt is used, and he has to calibrate the spreader correctly. Stu said he went to a presentation by the Maine DOT earlier in the day about the salt priority program. He said pre-wetting the salt is very effective.

Jo noted that the school bus driver refused to go down Seal Point Road one day last week, and there was concern expressed about the early morning snow removal effort. Mr. McMullen said that was brought to his attention for the first time last week. Stu said he'd not received any phone calls from any school bus drivers this winter. A brief discussion of last week's storm followed. Jo said folks have become a little spoiled in their expectation of bare roads. Selectman Fennelly said Governor LePage has said that folks will have to get used to driving on snow. He said he had no complaints about Buttermilk Road, which he uses daily.

Stu asked how the contract is going in terms of the escalator. He noted that diesel is above \$3.50/gallon. Mr. McMullen said he's at 39-events thus far. There was a brief discussion about the escalator clause in the contract. Jo asked if the equipment is OK. Mr. McMullen said they've had some breakdowns, but things are going as he expected it would. Cynthia asked about the environmental impact of straight salt. Stu said the MDOT claims it's better for the environment as not using sand doesn't create buildup on the road side and put silt in the streams, and there is no cleanup cost. There was a brief discussion about the environmental impact. Selectman Fennelly asked about the trigger for the fuel price in the escalator clause of the contract, and noted the next contact should explore a new figure to reflect the inflationary history of fuel prices. Mr. McMullen said he is saving both time and fuel by using straight salt. Stu noted that the garage door at the salt/sand shed failed a couple of weeks ago, but has since been repaired.

**Resignation from Conservation Commission** – Jo moved to accept, with regret, the resignation of Amy Morley from the Conservation Commission. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Planning Board Appointment** – Jo moved to appoint Perry Fowler as an alternate member of the Planning Board, replacing Don Bamman who was appointed as a full member. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Conservation Commission Opening** – Stu said one person dropped off a resume and expressed interest in the potential opening. Selectmen opted to advertise, as the opening did not officially exist until moments ago.

**Communication from Robert Seibel re: zoning violation** – Richard asked what would happen if the Selectmen gave Mr. Seibel some slack until he can return to Maine. Deputy Code Enforcement Officer Michael Jordan said it is up to the Board of Selectmen. Jo said if the Board sets a time certain to remove the violation, and that time is exceeded, the fine could begin to accumulate. Mr. Jordan suggested that the board communicate with Mr. Seibel setting a date of expected removal, and if not, a fine be imposed. Stu noted that the Board of Appeals already imposed a date of October 15, 2010 to remove the violating deck. Jo said the goal is to get it removed.

Stu suggested that the Town Attorney handle this. Jo said the Board could offer a consent agreement with Mr. Seibel, asking for a fine of legal costs, setting June 15, 2011 as the deadline for removal and if the violation remains, a fine of \$250/day be imposed. Cynthia asked about the October 15, 2010 deadline. Mr. Jordan explained it was set by

the Board of Appeals, but fell within the opportunity for Mr. Seibel to appeal that decision to Superior Court, which Mr. Seibel did not do.

Jo moved to have Town Attorney Tony Beardsley offer a consent agreement with a June 15<sup>th</sup> removal deadline, reimbursement of legal fees, and a \$250/day fine for each day the violation remains after June 15, 2011. Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Water Filter Installation** – Stu reported the estimate from Norlens has been received and that he e-mailed it to the DEP and they approved the price. He said the DEP suggested entering an agreement with the home owner to pay for consumables for 10-years, and the DEP would reimburse 90% of that, and the DEP would also reimburse for 90% of any electrical outlet installation needed. Richard moved to accept the estimate from Norlens and to make an offer to the homeowner in regard to consumables. Jo 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Recycling Contract** – Stu reported he's heard nothing from Ellsworth or Coastal Recycling yet.

**General Policy** – Stu thanked Cynthia for the many edits which he said he'd inserted into the proposed policies and job descriptions.

Mr. Jordan said he had concerns about the arrangements between the Code Enforcement Officer and the Deputy Code Enforcement Officer in terms of who gets paid for any given week. He said partial weeks are not addressed in the contracts, and gave an example of the CEO working the office hours on Tuesday, taking off that afternoon and not returning to town until the following Tuesday, requiring the Deputy CEO to handle the business in between. Cynthia said a discussion needs to take place to tighten up the contracts. Mr. Jordan said so far he has covered 5-weeks for the CEO.

**Pollution closure – Skillings River** – Richard said he's drafted the letter to the Department of Marine Resources as discussed last meeting. He said he's waiting for a signature from a Selectman in Hancock. He said there is a deadline looming, and he's not aware of any other efforts to find the source of pollution.

**Collaboration Meeting** – Stu reported that the League of Towns is sponsoring a second collaboration session on Wednesday March 30<sup>th</sup>, and he is not able to attend. Cynthia asked what time it's taking place. Stu said he thinks it is 5:30 PM, but would know more next week. Jo said she would try to schedule it.

**Town Meeting** – it was noted that the public hearing for the proposed ordinance changes would be held on March 1, 2011 at the Planning Board meeting.

**Citizen of the Year** – Stu asked how the Board intended to get the recipient to Town Meeting. Jo and Cynthia offered to be a subcommittee to plan that.

**Contract with Pavement Management Services** – Stu said there would likely be two bidders on paving this spring. He said there was \$93,000 budgeted, and the initial worst

case estimate from the consultant was \$95,000. Jo moved to approve the contract with Pavement Management Services. Gary 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed the contract.**

**IRS Bond Letter** – Stu reported the town is apparently square with the IRS in regard to a reporting form. He said He'd e-mailed the letter to bond counsel.

**Mussel Lease** – Stu reported Ralph Smith's lease renewal was with the materials handed out today – and a copy posted on the bulletin board as required by the Department of Marine Resources.

**Cable TV News Service** – Stu reported the Total Info package is due to renew at the end of the month and the Cable TV committee members have recommended that it be done. Jo moved to renew the service, Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0.** Stu reported the franchise fee check had been received from Time Warner and it exceeded \$11,000 this year.

**Street Sign Thefts** – Stu reported 9-signs are missing in the latest wave of thefts, and he has e-mailed that information to the state police. There was a brief discussion of better ways to secure the signs with locking nuts. Stu said the thieves simply smash the signs off the posts, and sometimes steal the entire post, too. Richard asked how much it costs per sign. Stu said between \$30 and \$35, not including the post or labor to install. Jo said there is a potential public safety concern if a responding ambulance or fire truck can't find a road because of a missing sign.

**PERC/MRC GAT** – Stu noted that the town's more than \$4,000 reimbursement check from the Municipal Review Committee had been reduced by \$126 because the amount of trash sent to PERC was slightly less than the guaranteed annual tonnage amount.

**Septic Grant** – Stu noted there is a flyer in the material from tonight about a septic grant replacement program. He said he had not planned to attend.

**Other** – Mr. Jordan asked if there was some way to place an advisory question on the local ballot in November to give the Planning Board some guidance on how to proceed on rewriting the Building and Land Use Ordinance in regard to the Maine Uniform Building and Energy Code (MUBEC). He said there are three potential choices; adopting the MUBEC with local Code Enforcement Inspection, adopting MUBEC with 3<sup>rd</sup> party inspectors, or dropping the certificate of occupancy requirement from the local ordinance. He said the ordinance changes are needed by December 2012, and the Planning Board needs to know how the town feels.

Richard said he'd heard the LePage administration was in favor of repealing MUBEC. Mr. Jordan said he doubted that because significant federal money was tied to passage of MUBEC.

Mr. Jordan said the town should have the say on how to proceed, not the Planning Board or Selectmen. Richard asked what would happen if the town doesn't observe

MUBEC. Mr. Jordan said the town can't issue a certificate of occupancy, which currently is required by the local ordinance. Richard asked who the enforcing agency might be. There was a brief discussion about the fiscal impact of imposing MUBEC on home builders.

Cynthia said it sounded like Mr. Jordan is asking the Selectmen to place an advisory question before the voters in November which would give the Planning Board a year to work on the ordinance changes. Mr. Jordan said that was correct. A lengthy discussion on MUBEC followed. Cynthia asked if the Planning Board has discussed the matter. Mr. Jordan said he has just started to bring that up. Stu said he was not aware that any matters were scheduled for a November election this year. A short discussion followed on the process to place something before the town meeting.

**Next Meeting** – Jo said the next Board meeting would be March 3, 2011 with town meeting on the 16<sup>th</sup> and an organizational meeting on the 17<sup>th</sup>. Cynthia asked if there would be a meet the candidates' night. Jo said she didn't think there would be much interest, as both people running on the ballot are unopposed incumbents.

There being no further business, the meeting adjourned at 8:13 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen